

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division

BIONTECH SE, *et al.*,

Plaintiffs / Counterclaim
Defendants,

v.

CUREVAC SE,

Defendant / Counterclaimant,

CUREVAC MANUFACTURING
GMBH,

Counterclaimant,

and

ACUITAS THERAPEUTICS INC.

Intervenor.

Case No. 2:23-cv-222

ORDER

The Court has read and considered the parties' proposals regarding the *Markman* hearing scheduled for June 13, 2024, at 11:00 a.m.

It is hereby **ORDERED** that:

- I. The Court shall allot three hours for the *Markman* hearing, and the time allotted shall be divided equally between the parties.¹
- II. Arguments on the disputed terms shall be presented on a term-by-term basis in the order that the terms appear in the parties' joint claim construction chart.

¹ All the plaintiffs and counterclaim defendants shall be considered one party, and all the defendants and counterclaimants shall be considered another party.

- III. BioNTech and Pfizer shall present first on each term, followed by CureVac.
- IV. Any technical background with respect to the patents will be presented by counsel as part of their respective arguments relating to the claim terms.
- V. Parties may reserve time for rebuttal.

The Clerk is **DIRECTED** to send a copy of this Order to all counsel of record.

IT IS SO ORDERED.



/s/

Jamar K. Walker
United States District Judge

Norfolk, Virginia
May 29, 2024